

SECTION 13. CLASS I OPERATING PERMIT -- EPA REVIEW -- AFFECTED STATED REVIEW

- (A) Unless the Administrator waives or modifies this requirement, the Department shall provide to the Administrator a copy of each Class I permit application or modification, each proposed Class I permit, and each final Class I permit. The department may require the permit applicant to provide a copy of the permit application, including the compliance plan, directly to the Administrator.
- (B) The Department shall give notice of each draft Class I permit to any affected State on or before the time that the Department provides notice to the public. The Department shall notify the Administrator and any affected State in writing of the reasons for any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted.
- (C) The Department shall not issue a Class I permit if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and any necessary supporting information.
- (D) If the Administrator objects to a Class I permit as a result of a petition for review filed pursuant to Section 505 (b) (2) of the Clean Air Act, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45 days EPA review period and prior to an EPA objection.
- (E) If the Department has issued a Class I permit to which EPA objects as a result of a petition for review filed pursuant to Section 505 (b) (2) of the Clean Air Act, the permit may be reopened in accordance with the procedures in Section 15, paragraph (F) of these Regulations and Standards.
- (F) Prohibition on Default Issuance.
 - (1) Notwithstanding the time period specified in Section 7, paragraph (I) of these Regulations and Standards, no Class I operating permit, including a permit renewal or revision, shall be issued until:
 - (a) Affected States and the Administrator have had an opportunity to review the proposed permit.
 - (b) The Director has acted on the application.
 - (2) No Class II operating permit, including a permit renewal or revision, shall be issued until the Director has acted an the application.

Ref: Title 129, Chapter 13, Nebraska Department of Environmental Quality